

## SENATE BILL No. 410

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1; IC 6-3.5; IC 6-5.5-8-2; IC 6-6; IC 12-7-2-91; IC 12-13; IC 12-17-3-2; IC 12-19; IC 20-8.1; IC 31-19-26-1; IC 31-40.

**Synopsis:** Transfers obligation for child welfare to state. Provides that the state shall pay the costs paid by county property taxes from the family and children fund including the costs of caring for children who are adjudicated to be children in need of services or delinquent children (except for probation, guardian ad litem, and court appointed special advocate services), for wards of the county or state, or for foster children, costs for informal adjustments, service referral agreements and adoption assistance, and costs for certain educational services. Repeals the statute that establishes a county family and children's fund to pay for these expenses. Requires the division of family and children to apply for available federal funds to help defray the state's costs of placement of children in these facilities.

**Effective:** January 1, 2000; March 1, 2001.

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**Simpson**

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January 11, 1999, read first time and referred to Committee on Finance.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 410

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 6-1.1-18-3 (CURRENT VERSION) IS AMENDED  
2 TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3.  
3 (a) Except as provided in subsection (b), the sum of all tax rates for all  
4 political subdivisions imposed on tangible property within a political  
5 subdivision may not exceed:  
6 (1) one dollar and twenty-five cents (\$1.25) on each one hundred  
7 dollars (\$100) of assessed valuation in territory outside the  
8 corporate limits of a city or town; or  
9 (2) two dollars (\$2) on each one hundred dollars (\$100) of  
10 assessed valuation in territory inside the corporate limits of a city  
11 or town.  
12 (b) The proper officers of a political subdivision shall fix tax rates  
13 which are sufficient to provide funds for the purposes itemized in this  
14 subsection. The portion of a tax rate fixed by a political subdivision  
15 shall not be considered in computing the tax rate limits prescribed in  
16 subsection (a) if that portion is to be used for one (1) of the following  
17 purposes:



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- 1 (1) To pay the principal or interest on a funding, refunding, or  
 2 judgment funding obligation of the political subdivision.  
 3 (2) To pay the principal or interest on an outstanding obligation  
 4 issued by the political subdivision if notice of the sale of the  
 5 obligation was published before March 9, 1937.  
 6 (3) To pay the principal or interest upon:  
 7 (A) an obligation issued by the political subdivision to meet an  
 8 emergency which results from a flood, fire, pestilence, war, or  
 9 any other major disaster; or  
 10 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,  
 11 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county  
 12 to acquire necessary equipment or facilities for municipal or  
 13 county government.  
 14 (4) To pay the principal or interest upon an obligation issued in  
 15 the manner provided in IC 6-1.1-20-3 (before its repeal) or  
 16 IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.  
 17 (5) To pay a judgment rendered against the political subdivision.  
 18 (6) To meet the requirements of the county welfare fund, the  
 19 county welfare administration fund, **or** for public welfare  
 20 services. ~~or the family and children's fund for child services (as~~  
 21 ~~defined in IC 12-19-7-1).~~  
 22 (7) To meet the requirements of the county hospital care for the  
 23 indigent fund.  
 24 (c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a  
 25 county board of tax adjustment, a county auditor, or the state board of  
 26 tax commissioners may review the portion of a tax rate described in  
 27 subsection (b) only to determine if it exceeds the portion actually  
 28 needed to provide for one (1) of the purposes itemized in that  
 29 subsection.  
 30 SECTION 2. IC 6-1.1-18-3 (DELAYED VERSION) IS AMENDED  
 31 TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 3. (a)  
 32 Except as provided in subsection (b), the sum of all tax rates for all  
 33 political subdivisions imposed on tangible property within a political  
 34 subdivision may not exceed:  
 35 (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each  
 36 one hundred dollars (\$100) of assessed valuation in territory  
 37 outside the corporate limits of a city or town; or  
 38 (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each  
 39 one hundred dollars (\$100) of assessed valuation in territory  
 40 inside the corporate limits of a city or town.  
 41 (b) The proper officers of a political subdivision shall fix tax rates  
 42 which are sufficient to provide funds for the purposes itemized in this



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1 subsection. The portion of a tax rate fixed by a political subdivision  
 2 shall not be considered in computing the tax rate limits prescribed in  
 3 subsection (a) if that portion is to be used for one (1) of the following  
 4 purposes:

5 (1) To pay the principal or interest on a funding, refunding, or  
 6 judgment funding obligation of the political subdivision.

7 (2) To pay the principal or interest on an outstanding obligation  
 8 issued by the political subdivision if notice of the sale of the  
 9 obligation was published before March 9, 1937.

10 (3) To pay the principal or interest upon:

11 (A) an obligation issued by the political subdivision to meet an  
 12 emergency which results from a flood, fire, pestilence, war, or  
 13 any other major disaster; or

14 (B) a note issued under IC 36-2-6-18, IC 36-3-4-22,  
 15 IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county  
 16 to acquire necessary equipment or facilities for municipal or  
 17 county government.

18 (4) To pay the principal or interest upon an obligation issued in  
 19 the manner provided in IC 6-1.1-20-3 (before its repeal) or  
 20 IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

21 (5) To pay a judgment rendered against the political subdivision.

22 (6) To meet the requirements of the county welfare fund, the  
 23 county welfare administration fund, **or** for public welfare  
 24 services. ~~or the family and children's fund for child services (as~~  
 25 ~~defined in IC 12-19-7-1).~~

26 (7) To meet the requirements of the county hospital care for the  
 27 indigent fund.

28 (c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a  
 29 county board of tax adjustment, a county auditor, or the state board of  
 30 tax commissioners may review the portion of a tax rate described in  
 31 subsection (b) only to determine if it exceeds the portion actually  
 32 needed to provide for one (1) of the purposes itemized in that  
 33 subsection.

34 SECTION 3. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9.7. (a) The ad  
 36 valorem property tax levy limits imposed by section 3 of this chapter  
 37 do not apply to ad valorem property taxes imposed under any of the  
 38 following:

39 (1) IC 12-16, except IC 12-16-1.

40 (2) IC 12-19-3-3 through IC 12-19-3-7.

41 (3) IC 12-19-4.

42 (4) IC 12-19-5.



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1           ~~(5) IC 12-19-7.~~

2           ~~(6) (5) IC 12-20-24.~~

3           (b) For purposes of computing the ad valorem property tax levy  
4 limits imposed under section 3 of this chapter, a county's or township's  
5 ad valorem property tax levy for a particular calendar year does not  
6 include that part of the levy imposed under the citations listed in  
7 subsection (a).

8           (c) Section 8(b) of this chapter does not apply to bonded  
9 indebtedness that will be repaid through property taxes imposed under  
10 IC 12-19.

11           SECTION 4. IC 6-1.1-18.6-2 IS AMENDED TO READ AS  
12 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. A county may  
13 not impose a county welfare property tax levy for an ensuing calendar  
14 year ~~or a county family and children property tax levy for an ensuing~~  
15 ~~calendar year (whichever applies)~~ that exceeds the product of:

16           (1) the assessed value growth quotient determined under  
17 IC 6-1.1-18.5-2 for the county for the ensuing calendar year;  
18 multiplied by

19           (2) the maximum county welfare property tax levy ~~or the~~  
20 ~~maximum county family and children property tax levy~~  
21 ~~(whichever applies)~~ that the county could have imposed for the  
22 calendar year immediately preceding the ensuing calendar year  
23 under the limitations set by this section.

24           SECTION 5. IC 6-1.1-21-2 IS AMENDED TO READ AS  
25 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. As used in this  
26 chapter:

27           (a) "Taxpayer" means a person who is liable for taxes on property  
28 assessed under this article.

29           (b) "Taxes" means taxes payable in respect to property assessed  
30 under this article. The term does not include special assessments,  
31 penalties, or interest, but does include any special charges which a  
32 county treasurer combines with all other taxes in the preparation and  
33 delivery of the tax statements required under IC 6-1.1-22-8(a).

34           (c) "Department" means the department of state revenue.

35           (d) "Auditor's abstract" means the annual report prepared by each  
36 county auditor which, under IC 6-1.1-22-5, is to be filed on or before  
37 March 1 of each year with the auditor of state.

38           (e) "Mobile home assessments" means the assessments of mobile  
39 homes made under IC 6-1.1-7.

40           (f) "Postabstract adjustments" means adjustments in taxes made  
41 subsequent to the filing of an auditor's abstract which change  
42 assessments therein or add assessments of omitted property affecting

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1 taxes for such assessment year.

2 (g) "Total county tax levy" means the sum of:

3 (1) the remainder of:

4 (A) the aggregate levy of all taxes for all taxing units in a  
5 county which are to be paid in the county for a stated  
6 assessment year as reflected by the auditor's abstract for the  
7 assessment year, adjusted, however, for any postabstract  
8 adjustments which change the amount of the aggregate levy;  
9 minus

10 (B) the sum of any increases in property tax levies of taxing  
11 units of the county that result from appeals described in:

12 (i) IC 6-1.1-18.5-13(5) and IC 6-1.1-18.5-13(6) filed after  
13 December 31, 1982; plus

14 (ii) the sum of any increases in property tax levies of taxing  
15 units of the county that result from any other appeals  
16 described in IC 6-1.1-18.5-13 filed after December 31,  
17 1983; plus

18 ~~(iii) IC 6-1.1-18.6-3 (children in need of services and  
19 delinquent children who are wards of the county);~~ minus

20 (C) the total amount of property taxes imposed for the stated  
21 assessment year by the taxing units of the county under the  
22 authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed),  
23 IC 12-19-5, or IC 12-20-24; minus

24 (D) the total amount of property taxes to be paid during the  
25 stated assessment year that will be used to pay for interest or  
26 principal due on debt that:

27 (i) is entered into after December 31, 1983;

28 (ii) is not debt that is issued under IC 5-1-5 to refund debt  
29 incurred before January 1, 1984; and

30 (iii) does not constitute debt entered into for the purpose of  
31 building, repairing, or altering school buildings for which  
32 the requirements of IC 20-5-52 were satisfied prior to  
33 January 1, 1984; minus

34 (E) the amount of property taxes imposed in the county for the  
35 stated assessment year under the authority of IC 21-2-6 or any  
36 citation listed in IC 6-1.1-18.5-9.8 for a cumulative building  
37 fund whose property tax rate was initially established or  
38 reestablished for a stated assessment year that succeeds the  
39 1983 stated assessment year; minus

40 (F) the remainder of:

41 (i) the total property taxes imposed in the county for the  
42 stated assessment year under authority of IC 21-2-6 or any

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- 1 citation listed in IC 6-1.1-18.5-9.8 for a cumulative building  
 2 fund whose property tax rate was not initially established or  
 3 reestablished for a stated assessment year that succeeds the  
 4 1983 stated assessment year; minus  
 5 (ii) the total property taxes imposed in the county for the  
 6 1984 stated assessment year under the authority of IC 21-2-6  
 7 or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative  
 8 building fund whose property tax rate was not initially  
 9 established or reestablished for a stated assessment year that  
 10 succeeds the 1983 stated assessment year; minus  
 11 (G) the amount of property taxes imposed in the county for the  
 12 stated assessment year under:  
 13 (i) IC 21-2-15 for a capital projects fund; plus  
 14 (ii) IC 6-1.1-19-10 for a racial balance fund; plus  
 15 (iii) IC 20-14-13 for a library capital projects fund; plus  
 16 (iv) IC 20-5-17.5-3 for an art association fund; plus  
 17 (v) IC 21-2-17 for a special education preschool fund; plus  
 18 (vi) an appeal filed under IC 6-1.1-19-5.1 for an increase in  
 19 a school corporation's maximum permissible general fund  
 20 levy for certain transfer tuition costs; plus  
 21 (vii) an appeal filed under IC 6-1.1-19-5.4 for an increase in  
 22 a school corporation's maximum permissible general fund  
 23 levy for transportation operating costs; minus  
 24 (H) the amount of property taxes imposed by a school  
 25 corporation that is attributable to the passage, after 1983, of a  
 26 referendum for an excessive tax levy under IC 6-1.1-19,  
 27 including any increases in these property taxes that are  
 28 attributable to the adjustment set forth in IC 6-1.1-19-1.5(a)  
 29 STEP ONE or any other law; minus  
 30 (I) for each township in the county, the lesser of:  
 31 (i) the sum of the amount determined in IC 6-1.1-18.5-19(a)  
 32 STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE,  
 33 whichever is applicable, plus the part, if any, of the  
 34 township's ad valorem property tax levy for calendar year  
 35 1989 that represents increases in that levy that resulted from  
 36 an appeal described in IC 6-1.1-18.5-13(5) filed after  
 37 December 31, 1982; or  
 38 (ii) the amount of property taxes imposed in the township for  
 39 the stated assessment year under the authority of  
 40 IC 36-8-13-4; minus  
 41 (J) for each participating unit in a fire protection territory  
 42 established under IC 36-8-19-1, the amount of property taxes

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1 levied by each participating unit under IC 36-8-19-8 and  
 2 IC 36-8-19-8.5 less the maximum levy limit for each of the  
 3 participating units that would have otherwise been available  
 4 for fire protection services under IC 6-1.1-18.5-3 and  
 5 IC 6-1.1-18.5-19 for that same year; minus  
 6 ~~(K)~~ for each county; the sum of:

7 (i) the amount of property taxes imposed in the county for  
 8 the repayment of loans under IC 12-19-5-6 that is included  
 9 in the amount determined under IC 12-19-7-4(a) STEP  
 10 SEVEN for property taxes payable in 1995; or for property  
 11 taxes payable in each year after 1995; the amount  
 12 determined under IC 12-19-7-4(b); and

13 (ii) the amount of property taxes imposed in the county  
 14 attributable to appeals granted under IC 6-1.1-18.6-3 that is  
 15 included in the amount determined under IC 12-19-7-4(a)  
 16 STEP SEVEN for property taxes payable in 1995; or the  
 17 amount determined under IC 12-19-7-4(b) for property taxes  
 18 payable in each year after 1995; plus

19 (2) all taxes to be paid in the county in respect to mobile home  
 20 assessments currently assessed for the year in which the taxes  
 21 stated in the abstract are to be paid; plus

22 (3) the amounts, if any, of county adjusted gross income taxes that  
 23 were applied by the taxing units in the county as property tax  
 24 replacement credits to reduce the individual levies of the taxing  
 25 units for the assessment year, as provided in IC 6-3.5-1.1; plus

26 (4) the amounts, if any, by which the maximum permissible ad  
 27 valorem property tax levies of the taxing units of the county were  
 28 reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated  
 29 assessment year; plus

30 (5) the difference between:

31 (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR;  
 32 minus

33 (B) the amount the civil taxing units' levies were increased  
 34 because of the reduction in the civil taxing units' base year  
 35 certified shares under IC 6-1.1-18.5-3(e).

36 (h) "December settlement sheet" means the certificate of settlement  
 37 filed by the county auditor with the auditor of state, as required under  
 38 IC 6-1.1-27-3.

39 (i) "Tax duplicate" means the roll of property taxes which each  
 40 county auditor is required to prepare on or before March 1 of each year  
 41 under IC 6-1.1-22-3.

42 SECTION 6. IC 6-1.1-21-5 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) Each year  
 2 the taxpayers of each county shall receive a credit for property tax  
 3 replacement in the amount of twenty percent (20%) of the tax liability  
 4 (as defined in this section) of each taxpayer for taxes which under  
 5 IC 6-1.1-22-9 are due and payable in May and November of that year.  
 6 The credit shall be applied to each installment of taxes. The dollar  
 7 amount of the credit for each taxpayer shall be determined by the  
 8 county auditor, based on data furnished by the state board of tax  
 9 commissioners. The tax liability of a taxpayer for the purpose of  
 10 computing the credit for a particular year shall be based upon the  
 11 taxpayer's tax liability as is evidenced by the tax duplicate for the taxes  
 12 payable in that year, plus the amount by which the tax payable by the  
 13 taxpayer had been reduced due to the application of county adjusted  
 14 gross income tax revenues to the extent the county adjusted gross  
 15 income tax revenues were included in the determination of the total  
 16 county tax levy for that year as provided in sections 2(g) and 3 of this  
 17 chapter, adjusted, however, for any change in assessed valuation which  
 18 may have been made pursuant to a post-abstract adjustment if the  
 19 change is set forth on the tax statement or on a corrected tax statement  
 20 stating the taxpayer's tax liability, as prepared by the county treasurer  
 21 in accordance with IC 6-1.1-22-8(a). However, the tax liability of a  
 22 taxpayer does not include the amount of any property tax owed by the  
 23 taxpayer that is attributable to that part of any property tax levy  
 24 subtracted under section 2(g)(1)(B), 2(g)(1)(C), 2(g)(1)(D), 2(g)(1)(E),  
 25 2(g)(1)(F), 2(g)(1)(G), 2(g)(1)(H), ~~or 2(g)(1)(I) or 2(g)(1)(J)~~ of this  
 26 chapter in computing the total county tax levy.

27 (b) The credit for taxes payable in a particular year with respect to  
 28 mobile homes which are assessed under IC 6-1.1-7 is twenty percent  
 29 (20%) of the taxes payable with respect to the assessments plus the  
 30 adjustments stated in this section.

31 (c) Each taxpayer in a taxing district that contains all or part of an  
 32 economic development district that meets the requirements of section  
 33 5.5 of this chapter is entitled to an additional credit for property tax  
 34 replacement. This credit is equal to the product of:

- 35 (1) the STEP TWO quotient determined under section 4(a)(3) of  
 36 this chapter for the taxing district; multiplied by
- 37 (2) the taxpayer's property taxes levied in the taxing district that  
 38 are allocated to a special fund under IC 6-1.1-39-5.

39 SECTION 7. IC 6-1.1-29-9 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) A county  
 41 council may adopt an ordinance to abolish the county board of tax  
 42 adjustment. This ordinance must be adopted by July 1 and may not be



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1 rescinded in the year it is adopted. Notwithstanding IC 6-1.1-17,  
 2 IC 6-1.1-18, IC 6-1.1-19, IC 12-19-3, ~~IC 12-19-7~~, IC 21-2-14,  
 3 IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11, IC 36-9-3, IC 36-9-4,  
 4 and IC 36-9-13, if such an ordinance is adopted, this section governs  
 5 the treatment of tax rates, tax levies, and budgets that would otherwise  
 6 be reviewed by a county board of tax adjustment under IC 6-1.1-17.

7 (b) The time requirements set forth in IC 6-1.1-17 govern all filings  
 8 and notices.

9 (c) A tax rate, tax levy, or budget that otherwise would be reviewed  
 10 by the county board of tax adjustment is considered and must be treated  
 11 for all purposes as if the county board of tax adjustment approved the  
 12 tax rate, tax levy, or budget. This includes the notice of tax rates that is  
 13 required under IC 6-1.1-17-12.

14 SECTION 8. IC 6-5.5-8-2 IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) On or  
 16 before February 1, May 1, August 1, and December 1 of each year the  
 17 auditor of state shall transfer to each county auditor for distribution to  
 18 the taxing units (as defined in IC 6-1.1-1-21) in the county, an amount  
 19 equal to one-fourth (1/4) of the sum of the guaranteed amounts for all  
 20 the taxing units of the county. On or before August 1 of each year the  
 21 auditor of state shall transfer to each county auditor the supplemental  
 22 distribution for the county for the year. **For purposes of determining  
 23 distributions under subsection (b), the auditor of state shall  
 24 determine a state welfare allocation. The allocation is the amount  
 25 that was allocated in the previous year adjusted to reflect the  
 26 percentage change in the total amount to be distributed compared  
 27 to the previous year. The welfare allocation shall be deducted from  
 28 the county's distribution and deposited in the state welfare fund.**

29 (b) A taxing unit's guaranteed distribution for a year is the greater  
 30 of zero (0) or an amount equal to:

31 (1) the amount received by the taxing unit under IC 6-5-10 and  
 32 IC 6-5-11 in 1989; minus

33 (2) the amount to be received by the taxing unit in the year of the  
 34 distribution, as determined by the state board of tax  
 35 commissioners, from property taxes attributable to the personal  
 36 property of banks, exclusive of the property taxes attributable to  
 37 personal property leased by banks as the lessor where the  
 38 possession of the personal property is transferred to the lessee.

39 (c) The amount of the supplemental distribution for a county for a  
 40 year shall be determined using the following formula:

41 STEP ONE: Determine the greater of zero (0) or the difference  
 42 between:

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- 1 (A) one-half (1/2) of the taxes that the department estimates
- 2 will be paid under this article during the year; minus
- 3 (B) the sum of all the guaranteed distributions for all taxing
- 4 units in all counties plus the bank personal property taxes to be
- 5 received by all taxing units in all counties, as determined
- 6 under subsection (b)(2) for the year.

7 STEP TWO: Determine the quotient of:

- 8 (A) the amount received under IC 6-5-10 and IC 6-5-11 in
- 9 1989 by all taxing units in the county; divided by
- 10 (B) the sum of the amounts received under IC 6-5-10 and
- 11 IC 6-5-11 in 1989 by all taxing units in all counties.

12 STEP THREE: Determine the product of:

- 13 (A) the amount determined in STEP ONE; multiplied by
- 14 (B) the amount determined in STEP TWO.

15 STEP FOUR: Determine the greater of zero (0) or the difference

- 16 between:
- 17 (A) the amount of supplemental distribution determined in
- 18 STEP THREE for the county; minus
- 19 (B) the amount of refunds granted under IC 6-5-10-7 that have
- 20 yet to be reimbursed to the state by the county treasurer under
- 21 IC 6-5-10-13.

22 For the supplemental distribution made on or before August 1 of each  
23 year, the department shall adjust the amount of each county's  
24 supplemental distribution to reflect the actual taxes paid under this  
25 article for the preceding year.

26 (d) The amount of the supplemental distribution for each taxing unit  
27 shall be determined using the following formula:

28 STEP ONE: Determine the quotient of:

- 29 (A) the amount received by the taxing unit under IC 6-5-10
- 30 and IC 6-5-11 in 1989; divided by
- 31 (B) the sum of the amounts used in STEP ONE (A) for all
- 32 taxing units located in the county.

33 STEP TWO: Determine the product of:

- 34 (A) the amount determined in STEP ONE; multiplied by
- 35 (B) the supplemental distribution for the county, as determined
- 36 in subsection (c), STEP FOUR.

37 (e) The county auditor shall distribute the guaranteed and  
38 supplemental distributions received under subsection (a) to the taxing  
39 units in the county at the same time that the county auditor makes the  
40 semiannual distribution of real property taxes to the taxing units.

41 SECTION 9. IC 6-6-5-9.5 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9.5. (a) Before the

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1 twentieth day of each month the bureau shall do the following:

2 (1) Determine the amount of excise taxes that would have been  
3 collected for each county for the preceding month based on the  
4 tax rate schedule that was in effect on January 1, 1995.

5 (2) Determine and report to the auditor of state the difference  
6 between what was actually collected for each county for that  
7 month and what would have been collected at the January 1,  
8 1995, rates.

9 (b) For the months of January through November, the auditor of  
10 state shall determine a monthly uniform disbursement percentage to be  
11 applied in determining the amount of motor vehicle excise tax  
12 replacement money to be disbursed to each county. The monthly  
13 uniform disbursement percentage equals the quotient of the sum of the  
14 amounts transferred under IC 4-30-17-3.5 plus the amounts transferred  
15 under subsections (f) and (g) to the motor vehicle excise tax  
16 replacement account in the month of the bureau's report divided by the  
17 sum of the total differences for all counties, as determined under  
18 subsection (a) and identified in the bureau's report for that month.

19 (c) For December, the auditor of state shall determine an annual  
20 uniform disbursement percentage to be applied in determining the  
21 amount of motor vehicle excise tax replacement money to be disbursed  
22 to each county in December as an annual adjustment.

23 (d) The annual uniform disbursement percentage equals the quotient  
24 of the sum of the amounts transferred under IC 4-30-17-3.5 plus the  
25 amounts transferred under subsections (f) and (g) to the motor vehicle  
26 excise tax replacement account in the months of January through  
27 December divided by the sum of the total differences for all counties,  
28 as determined under subsection (a) and identified in the bureau's  
29 reports for the months of January through December.

30 (e) For the months of January through November, the auditor of  
31 state shall distribute to the county the amount of the difference  
32 determined under subsection (a) in the month of the bureau's report for  
33 that county, multiplied by the monthly uniform disbursement  
34 percentage for that month. For December, the auditor shall distribute  
35 to the county the total difference in the bureau's reports determined  
36 under subsection (a) in the months of January through December for  
37 that county, multiplied by the annual uniform disbursement percentage,  
38 less the amounts distributed to the county in January through  
39 November. However, the total distribution to a county in a calendar  
40 year may not exceed the total difference in the bureau's reports  
41 determined under subsection (a) in the months of January through  
42 December for that county in the year.

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1 (f) The transfers under this subsection are in addition to the transfers  
 2 required under IC 4-30-17-3.5 and subsection (g). Before the  
 3 twenty-fifth day of each month, the auditor of state shall transfer from  
 4 the state general fund to the state general fund motor vehicle excise tax  
 5 replacement account the following:

6 (1) In calendar year 1996, nine million four hundred fifty-one  
 7 thousand one hundred eighty-five dollars (\$9,451,185).

8 (2) In calendar year 1997, seven million two hundred seventy-six  
 9 thousand three hundred seventy-seven dollars (\$7,276,377).

10 (3) In calendar year 1998, five million one hundred eight  
 11 thousand fourteen dollars (\$5,108,014).

12 (4) In calendar year 1999, two million seven hundred seventy-five  
 13 thousand six hundred nine dollars (\$2,775,609).

14 (5) In calendar year 2000, three hundred seventy-four thousand  
 15 six hundred seven dollars (\$374,607).

16 (6) In calendar year 2001 and thereafter, sixteen thousand nine  
 17 hundred seventy-four dollars (\$16,974).

18 The transfers required under this subsection are annually appropriated  
 19 from the state general fund.

20 (g) This subsection applies only after December 31, 1995, and  
 21 applies only if insufficient money is available in the lottery and gaming  
 22 surplus account of the build Indiana fund to make the distributions to  
 23 the state general fund motor vehicle excise tax replacement account  
 24 that are required under IC 4-30-17-3.5. Before the twenty-fifth day of  
 25 each month, the auditor of state shall transfer from the state general  
 26 fund to the state general fund motor vehicle excise tax replacement  
 27 account the difference between:

28 (1) the amount that IC 4-30-17-3.5 requires the auditor of state to  
 29 distribute from the lottery and gaming surplus account of the  
 30 build Indiana fund to the state general fund motor vehicle excise  
 31 tax replacement account; and

32 (2) the amount that is available under IC 4-30-17-3.5 for  
 33 distribution from the lottery and gaming surplus account in the  
 34 build Indiana fund to the state general fund motor vehicle excise  
 35 tax replacement account.

36 The transfers required under this subsection are annually appropriated  
 37 from the state general fund.

38 (h) Any money remaining in the motor vehicle excise tax  
 39 replacement account after the last county distribution in December  
 40 shall be transferred to the build Indiana fund state and local capital  
 41 projects account established under IC 4-30-17-3.5. The auditor of state  
 42 shall make the distribution before the end of the month the auditor



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1 receives the bureau's report.

2 (i) The money needed for the distribution shall be withdrawn from  
3 the motor vehicle excise tax replacement account. There is  
4 appropriated from the state general fund motor vehicle excise tax  
5 replacement account, the amount needed to make the distributions  
6 required by this section.

7 (j) Distributions made under this section are considered motor  
8 vehicle excise taxes for purposes of allocating revenue among taxing  
9 units under this chapter.

10 **(k) For purposes of determining distributions under this section,**  
11 **the auditor of state shall determine a state welfare allocation. The**  
12 **allocation is the amount that was allocated in the previous year**  
13 **adjusted to reflect the percentage change in the total amount to be**  
14 **distributed compared to the previous year. The welfare allocation**  
15 **shall be deducted from the county's distribution and deposited in**  
16 **the state welfare fund.**

17 SECTION 10. IC 6-6-5-10 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) The  
19 bureau shall establish procedures necessary for the collection of the tax  
20 imposed by this chapter and for the proper accounting for the same.  
21 The necessary forms and records shall be subject to approval by the  
22 state board of accounts.

23 (b) The county treasurer upon receiving the excise tax collections  
24 shall receipt such collections into a separate account for settlement  
25 thereof at the same time as property taxes are accounted for and settled  
26 in June and December of each year, with the right and duty of the  
27 treasurer and auditor to make advances prior to the time of final  
28 settlement of such property taxes in the same manner as provided in  
29 IC 5-13-6-3.

30 (c) The county auditor shall determine the total amount of excise  
31 taxes collected for each taxing unit in the county and the amount so  
32 collected shall be apportioned and distributed among the respective  
33 funds of each taxing unit in the same manner and at the same time as  
34 property taxes are apportioned and distributed. **For purposes of**  
35 **determining distributions under this section, the county auditor**  
36 **shall determine a state welfare allocation. The allocation is the**  
37 **amount that was allocated in the previous year adjusted to reflect**  
38 **the percentage change in the total amount to be distributed**  
39 **compared to the previous year. The welfare allocation shall be**  
40 **distributed at the same time as the county's distribution to the state**  
41 **treasurer to be credited to the state welfare fund.**

42 (d) Such determination shall be made from copies of vehicle



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1 registration forms furnished by the bureau of motor vehicles. Prior to  
 2 such determination, the county assessor of each county shall, from  
 3 copies of registration forms, cause information pertaining to legal  
 4 residence of persons owning taxable vehicles to be verified from his  
 5 records, to the extent such verification can be so made. He shall further  
 6 identify and verify from his records the several taxing units within  
 7 which such persons reside.

8 (e) Such verifications shall be done by not later than thirty (30) days  
 9 after receipt of vehicle registration forms by the county assessor, and  
 10 the assessor shall certify such information to the county auditor for his  
 11 use as soon as it is checked and completed.

12 SECTION 11. IC 6-6-6.5-21 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 21. (a) The  
 14 department shall allocate each aircraft excise tax payment collected by  
 15 it to the county in which the aircraft is usually located when not in  
 16 operation or to the aircraft owner's county of residence if based out of  
 17 state. The department shall distribute to each county treasurer on a  
 18 quarterly basis the aircraft excise taxes which were collected by the  
 19 department during the preceding three (3) months and which the  
 20 department has allocated to that county. The distribution shall be made  
 21 on or before the fifteenth of the month following each quarter and the  
 22 first distribution each year shall be made in April. **For purposes of  
 23 determining distributions under this section, the department shall  
 24 determine a state welfare allocation. The allocation is the amount  
 25 that was allocated in the previous year adjusted to reflect the  
 26 percentage change in the total amount to be distributed compared  
 27 to the previous year. The welfare allocation shall be distributed at  
 28 the same time as the county's distribution to the state treasurer to  
 29 be credited to the state welfare fund.**

30 (b) Concurrently with making a distribution of aircraft excise taxes,  
 31 the department shall send an aircraft excise tax report to the county  
 32 treasurer and the county auditor. The department shall prepare the  
 33 report on the form prescribed by the state board of accounts. The  
 34 aircraft excise tax report must include aircraft identification, owner  
 35 information, and excise tax payment, and must indicate the county  
 36 where the aircraft is normally kept when not in operation. The  
 37 department shall, in the manner prescribed by the state board of  
 38 accounts, maintain records concerning the aircraft excise taxes  
 39 received and distributed by it.

40 (c) Except as provided in section 21.5 of this chapter, each county  
 41 treasurer shall deposit money received by him under this chapter in a  
 42 separate fund to be known as the "aircraft excise tax fund". The money



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1 in the aircraft excise tax fund shall be distributed to the taxing units of  
2 the county in the manner prescribed in subsection (d).

3 (d) In order to distribute the money in the county aircraft excise tax  
4 fund to the taxing units of the county, the county auditor shall first  
5 allocate the money in the fund among the taxing districts of the county.  
6 In making these allocations, the county auditor shall allocate to a taxing  
7 district the excise taxes collected with respect to aircraft usually  
8 located in the taxing district when not in operation. The money  
9 allocated to a taxing district shall be apportioned and distributed among  
10 the taxing units of that taxing district in the same manner and at the  
11 same time that the property taxes are apportioned and distributed.

12 (e) Within thirty (30) days following the receipt of excise taxes from  
13 the department, the county treasurer shall file a report with the county  
14 auditor concerning the aircraft excise taxes collected by the county  
15 treasurer. The county treasurer shall file the report on the form  
16 prescribed by the state board of accounts. The county treasurer shall,  
17 in the manner and at the times prescribed in IC 6-1.1-27, make a  
18 settlement with the county auditor for the aircraft excise taxes collected  
19 by the county treasurer. The county treasurer shall, in the manner  
20 prescribed by the state board of accounts, maintain records concerning  
21 the aircraft excise taxes received and distributed by him.

22 SECTION 12. IC 6-6-9-11 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 11. (a) All  
24 revenues collected from the auto rental excise tax shall be deposited in  
25 a special account of the state general fund called the auto rental excise  
26 tax account.

27 (b) On or before May 20 and November 20 of each year, all amounts  
28 held in the auto rental excise tax account shall be distributed to the  
29 county treasurers of Indiana. **For purposes of determining**  
30 **distributions under this section, the department shall determine a**  
31 **state welfare allocation. The allocation is the amount that was**  
32 **allocated in the previous year adjusted to reflect the percentage**  
33 **change in the total amount to be distributed compared to the**  
34 **previous year. The welfare allocation shall be distributed to the**  
35 **state treasurer to be credited to the state welfare fund.**

36 (c) The amount to be distributed to a county treasurer equals that  
37 part of the total auto rental excise taxes being distributed that were  
38 initially imposed and collected from within that treasurer's county. The  
39 department shall notify each county auditor of the amount of taxes to  
40 be distributed to the county treasurer. At the same time each  
41 distribution is made to a county treasurer, the department shall certify  
42 to the county auditor each taxing district within the county where auto



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1 rental excise taxes were collected and the amount of the county  
2 distribution that was collected with respect to each taxing district.

3 (d) The county treasurer shall deposit auto rental excise tax  
4 collections into a separate account for settlement at the same time as  
5 property taxes are accounted for and settled in June and December of  
6 each year.

7 (e) The county auditor shall apportion and the county treasurer shall  
8 distribute the auto rental excise taxes among the taxing units of the  
9 county in the same manner that property taxes are apportioned and  
10 distributed with respect to property located in the taxing district where  
11 the auto rental excise tax was initially imposed and collected. The auto  
12 rental excise taxes distributed to a taxing unit shall be allocated among  
13 the taxing unit's funds in the same proportions that the taxing unit's  
14 property tax collections are allocated among those funds.

15 (f) Taxing units of a county may request and receive advances of  
16 auto rental excise tax revenues in the manner provided under  
17 IC 5-13-6-3.

18 (g) All distributions from the auto rental excise tax account shall be  
19 made by warrants issued by the auditor of state to the treasurer of state  
20 ordering those payments to the appropriate county treasurer.

21 SECTION 13. IC 6-6-11-31 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 31. (a) A boat  
23 excise tax fund is established in each county. Each county treasurer  
24 shall deposit in the fund the taxes received under this chapter.

25 (b) The excise tax money in the county boat excise tax fund shall be  
26 distributed to the taxing units of the county. The county auditor shall  
27 allocate the money in the fund among the taxing units of the county  
28 based on the tax situs of each boat. The money allocated to the taxing  
29 units shall be apportioned and distributed among the funds of the  
30 taxing units in the same manner and at the same time that property  
31 taxes are apportioned and distributed. **For purposes of determining  
32 distributions under this section, the county auditor shall determine  
33 a state welfare allocation. The allocation is the amount that was  
34 allocated in the previous year adjusted to reflect the percentage  
35 change in the total amount to be distributed compared to the  
36 previous year. The welfare allocation shall be distributed to the  
37 state treasurer to be credited to the state welfare fund.**

38 SECTION 14. IC 12-7-2-91 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 91. "Fund" means  
40 the following:

41 (1) For purposes of IC 12-12-1-9, the fund described in  
42 IC 12-12-1-9.



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- 1 (2) For purposes of IC 12-13-8, the meaning set forth in
- 2 IC 12-13-8-1.
- 3 (3) For purposes of IC 12-15-20, the meaning set forth in
- 4 IC 12-15-20-1.
- 5 (4) For purposes of IC 12-17-12, the meaning set forth in
- 6 IC 12-17-12-4.
- 7 (5) For purposes of IC 12-18-4, the meaning set forth in
- 8 IC 12-18-4-1.
- 9 (6) For purposes of IC 12-18-5, the meaning set forth in
- 10 IC 12-18-5-1.
- 11 (7) For purposes of IC 12-19-3, the meaning set forth in
- 12 IC 12-19-3-1.
- 13 (8) For purposes of IC 12-19-4, the meaning set forth in
- 14 IC 12-19-4-1.
- 15 ~~(9) For purposes of IC 12-19-7, the meaning set forth in~~
- 16 ~~IC 12-19-7-2.~~
- 17 ~~(10)~~ For purposes of IC 12-23-2, the meaning set forth in
- 18 IC 12-23-2-1.
- 19 ~~(11)~~ **(10)** For purposes of IC 12-24-6, the meaning set forth in
- 20 IC 12-24-6-1.
- 21 ~~(12)~~ **(11)** For purposes of IC 12-24-14, the meaning set forth in
- 22 IC 12-24-14-1.
- 23 ~~(13)~~ **(12)** For purposes of IC 12-30-7, the meaning set forth in
- 24 IC 12-30-7-3.

25 SECTION 15. IC 12-13-5-1 IS AMENDED TO READ AS  
 26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. The division  
 27 shall administer or supervise the public welfare activities of the state.  
 28 The division has the following powers and duties:

- 29 (1) The administration of old age assistance, aid to dependent
- 30 children, and assistance to the needy blind and persons with
- 31 disabilities, excluding assistance to children with special health
- 32 care needs.
- 33 (2) The administration of the following:
- 34 (A) Any public child welfare service.
- 35 (B) The licensing and inspection under IC 12-17.2 and
- 36 IC 12-17.4.
- 37 (C) The care of dependent and neglected children in foster
- 38 family homes or institutions, especially children placed for
- 39 adoption or those born out of wedlock.
- 40 (D) The interstate placement of children.
- 41 (3) The provision of services to county governments, including
- 42 the following:

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- (A) Organizing and supervising county offices for the effective administration of public welfare functions.
  - (B) Compiling statistics and necessary information concerning public welfare problems throughout Indiana.
  - (C) Researching and encouraging research into crime, delinquency, physical and mental disability, and the cause of dependency.
- (4) Prescribing the form of, printing, and supplying to the county departments blanks for applications, reports, affidavits, and other forms the division considers necessary and advisable.
- (5) Cooperating with the federal Social Security Administration and with any other agency of the federal government in any reasonable manner necessary and in conformity with IC 12-13 through IC 12-19 to qualify for federal aid for assistance to persons who are entitled to assistance under the federal Social Security Act. The responsibilities include the following:
- (A) Making reports in the form and containing the information that the federal Social Security Administration Board or any other agency of the federal government requires.
  - (B) Complying with the requirements that a board or agency finds necessary to assure the correctness and verification of reports.
- (6) Appointing from eligible lists established by the state personnel board employees of the division necessary to effectively carry out IC 12-13 through IC 12-19. The division may not appoint a person who is not a citizen of the United States and who has not been a resident of Indiana for at least one (1) year immediately preceding the person's appointment unless a qualified person cannot be found in Indiana for a position as a result of holding an open competitive examination.
- (7) Assisting the office of Medicaid policy and planning in fixing fees to be paid to ophthalmologists and optometrists for the examination of applicants for and recipients of assistance as needy blind persons.
- (8) When requested, assisting other departments, agencies, divisions, and institutions of the state and federal government in performing services consistent with this article.
- (9) Acting as the agent of the federal government for the following:
- (A) In welfare matters of mutual concern under IC 12-13 through IC 12-19.
  - (B) In the administration of federal money granted to Indiana

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- 1           in aiding welfare functions of the state government.
- 2           (10) Administering additional public welfare functions vested in
- 3           the division by law and providing for the progressive codification
- 4           of the laws the division is required to administer.
- 5           (11) Transferring to each county that is required to submit a
- 6           schedule under IC 12-19-1-9(d) an amount equal to the scheduled
- 7           amount of the county's lease and rental obligations as provided in
- 8           IC 12-19-1-9.
- 9           (12) Supervising day care centers and child placing agencies.
- 10          (13) Supervising the licensing and inspection of all public child
- 11          caring agencies.
- 12          (14) Supervising the care of delinquent children and children in
- 13          need of services.
- 14          (15) Assisting juvenile courts as required by IC 31-30 through
- 15          IC 31-40.
- 16          (16) Supervising the care of dependent children and children
- 17          placed for adoption.
- 18          (17) Compiling information and statistics concerning the ethnicity
- 19          and gender of a program or service recipient.
- 20          (18) Providing permanency planning services for children in need
- 21          of services, including:
- 22                (A) making children legally available for adoption; and
- 23                (B) placing children in adoptive homes;
- 24          in a timely manner.
- 25          **(19) Paying the obligations for child services described in**
- 26          **IC 12-19-1-21.**

27           SECTION 16. IC 12-13-5-5 IS AMENDED TO READ AS  
 28           FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) Each county  
 29           auditor shall keep records and make reports relating to the county  
 30           welfare fund ~~the family and children's fund~~; and other financial  
 31           transactions as required under IC 12-13 through IC 12-19 and as  
 32           required by the division.

33           (b) All records provided for in IC 12-13 through IC 12-19 shall be  
 34           kept, prepared, and submitted in the form required by the division and  
 35           the state board of accounts.

36           SECTION 17. IC 12-13-7-17 IS AMENDED TO READ AS  
 37           FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 17. The part of  
 38           the care and maintenance of the inmates of the Plainfield Juvenile  
 39           Correctional Facility and the Indianapolis Juvenile Correctional  
 40           Facility that under law is to be charged back to the counties shall be  
 41           paid from the county general fund and not the county welfare fund, ~~or~~  
 42           ~~the county family and children's fund~~; unless otherwise provided by

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1 law.

2 SECTION 18. IC 12-17-3-2 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) This section  
4 does not apply to a county department's:

- 5 (1) administrative expenses; or  
6 (2) expenses regarding facilities, supplies, and equipment.

7 (b) Necessary expenses incurred in the administration of the child  
8 welfare services under section 1 of this chapter shall be paid out of the  
9 county welfare fund. ~~or the county family and children's fund~~  
10 ~~(whichever is appropriate).~~

11 SECTION 19. IC 12-19-1-21 IS ADDED TO THE INDIANA  
12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JANUARY 1, 2000]: **Sec. 21. (a) As used in this**  
14 **chapter, "child services" means child welfare services specifically**  
15 **provided for children who:**

- 16 (1) **are adjudicated to be:**  
17 (A) **children in need of services; or**  
18 (B) **delinquent children; or**  
19 (2) **are recipients of or are eligible for:**  
20 (A) **informal adjustments;**  
21 (B) **service referral agreements; and**  
22 (C) **adoption assistance;**

23 **including the costs of using an institution or facility for providing**  
24 **educational services as described in either IC 20-8.1-3-36 (if**  
25 **applicable) or IC 20-8.1-6.1-8 (if applicable), all services required**  
26 **to be paid by the division under IC 31-40-1, and all costs required**  
27 **to be paid by the division under IC 20-8.1-6.1-7.**

28 (b) **The division shall pay the expenses and obligations incurred**  
29 **after December 31, 1999, to deliver child services.**

30 SECTION 20. IC 12-19-1-22 IS ADDED TO THE INDIANA  
31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JANUARY 1, 2000]: **Sec. 22. (a) This section applies**  
33 **notwithstanding the repeal of IC 12-19-7 (effective January 1,**  
34 **2000).**

35 (b) **All bonds issued under IC 12-1-11 (before its repeal) or this**  
36 **article before January 1, 2000, or under subsection (c):**

- 37 (1) **are direct general obligations of the county issuing the**  
38 **bonds; and**  
39 (2) **are payable out of unlimited ad valorem taxes that shall be**  
40 **levied and collected on all the taxable property within the**  
41 **county.**

42 (c) **If the family and children's fund established under**

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1 **IC 12-19-7 (repealed January 1, 2000) is exhausted before January**  
 2 **1, 2000, the county may obtain loans and issue bonds under**  
 3 **IC 12-19-7 to provide money for the fund as if IC 12-19-7 had not**  
 4 **been repealed.**

5 **(d) Each official and body responsible for the levying of taxes**  
 6 **for the county must ensure that sufficient levies are made to meet**  
 7 **the principal and interest on the bonds at the time fixed for the**  
 8 **payment of the principal and interest, without regard to any other**  
 9 **statute. If an official or a body fails or refuses to make or allow a**  
 10 **sufficient levy required by this section, the bonds and the interest**  
 11 **on the bonds shall be payable out of the general fund of the county**  
 12 **without appropriation.**

13 SECTION 21. IC 12-19-3-1.1 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1.1. As used in  
 15 this chapter, "welfare services" means services provided by the county  
 16 office in the payment of AFDC and child welfare services, not  
 17 including the child services defined in ~~IC 12-19-7-1~~. **IC 12-19-1-21.**

18 SECTION 22. IC 12-19-3-2 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) A county  
 20 welfare fund is established in each county. The fund shall be raised by  
 21 a separate tax levy (the county welfare property tax levy) that:

- 22 (1) is in addition to all other tax levies authorized; and  
 23 (2) shall be levied annually by the county fiscal body on all  
 24 taxable property in the county in the amount necessary to raise the  
 25 part of the fund that the county must raise to pay the items,  
 26 awards, claims, allowances, assistance, and other expenses set  
 27 forth in the annual budget under section 3 of this chapter.

28 (b) The tax imposed under this section shall be collected as other  
 29 state and county ad valorem taxes are collected.

30 (c) The following shall be paid into the county treasury and  
 31 constitute the county welfare fund:

- 32 (1) All receipts from the tax imposed under this section.  
 33 (2) All grants-in-aid, whether received from the federal  
 34 government or state government.  
 35 (3) Any other money required by law to be placed in the fund.

36 (d) **Except as provided in IC 12-19-1-21**, the county welfare fund  
 37 is available for the purposes of paying expenses and obligations set  
 38 forth in the annual budget that is submitted and approved.

39 SECTION 23. IC 12-19-3-3 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) The county  
 41 director shall annually compile and adopt a county welfare budget,  
 42 which must be in a form prescribed by the state board of accounts.



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1 (b) The budget must contain an estimate of the amount of money  
2 that will be needed by the county office during the fiscal year to defray  
3 the expenses and obligations incurred by the county office in the  
4 payment of AFDC and child welfare services not including the child  
5 services defined in ~~IC 12-19-7-1~~; **IC 12-19-1-21**.

6 SECTION 24. IC 12-19-3-4 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) The county  
8 director shall, at the same time a county welfare budget is compiled and  
9 adopted, recommend to the division the tax levy that the director  
10 determines will be required to raise the amount of revenue necessary  
11 to pay the expenses and obligations of the county office set forth in the  
12 budget.

13 (b) After the county welfare budget has been compiled, the county  
14 director shall submit a copy of the budget and the tax levy  
15 recommended by the county director to the division. The division shall  
16 examine the budget and the tax levy for the purpose of determining  
17 whether, in the judgment of the division:

18 (1) the appropriations requested in the budget will be adequate to  
19 defray the expenses and obligations incurred by the county office  
20 in the payment of assistance to dependent children and child  
21 welfare services not including the child services defined in  
22 ~~IC 12-19-7-1~~; **IC 12-19-1-21**, for the next fiscal year; and

23 (2) the tax levy recommended will yield the amount of the  
24 appropriation set forth in the budget.

25 SECTION 25. IC 12-19-5-1 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) In addition  
27 to the other method of welfare financing provided by this article, the  
28 county director may appeal for the right to borrow money on a short  
29 term basis to fund child services under IC 12-19-7-1 or other welfare  
30 services in the county if the county director determines that the ~~family  
31 and children's fund or the~~ county welfare fund will be exhausted before  
32 the end of a fiscal year.

33 (b) In an appeal under this section, the county director must show  
34 the following:

35 (1) That the amount of money in the ~~family and children's fund or  
36 the county welfare fund (whichever applies)~~ will be insufficient  
37 to fund the appropriate services within the county under this  
38 article.

39 (2) The amount of money that the county director estimates will  
40 be needed to fund that deficit.

41 (c) The county director shall immediately transmit an appeal under  
42 this section to the director.

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1 SECTION 26. IC 12-19-5-9 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. The division or  
 3 a county fiscal body may not do the following:

4 (1) Recommend or approve a request to borrow money made  
 5 under this chapter unless the body determines that ~~the family and~~  
 6 ~~children's fund or~~ the county welfare fund ~~(whichever applies)~~  
 7 will be exhausted before the particular fund can fund all county  
 8 obligations incurred under this article.

9 (2) Recommend or approve a loan that will exceed the amount of  
 10 the estimated deficit.

11 SECTION 27. IC 20-8.1-3-36 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 36. (a) It is  
 13 unlawful for a person operating or responsible for an educational,  
 14 correctional, charitable, or benevolent institution or training school to  
 15 fail to ensure that a child under his authority attends school as required  
 16 under this chapter. Each day of violation of this section constitutes a  
 17 separate offense.

18 (b) If a child is placed in an institution or facility under a court  
 19 order, the institution or facility shall charge the ~~county office of the~~  
 20 ~~county of the student's legal settlement under IC 12-19-7~~ **division of**  
 21 **family and children** for the use of the space within the institution or  
 22 facility (commonly called capital costs) that is used to provide  
 23 educational services to the child based upon a prorated per student cost.

24 SECTION 28. IC 20-8.1-6.1-7 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) If a student  
 26 is transferred under section 2 of this chapter from a school corporation  
 27 in Indiana to a public school corporation in another state, the transferor  
 28 corporation shall pay the transferee corporation the full tuition fee  
 29 charged by the transferee corporation. However, the amount of the full  
 30 tuition fee must not exceed the amount charged by the transferor  
 31 corporation for the same class of school, or if the school has no such  
 32 classification, the amount must not exceed the amount charged by the  
 33 geographically nearest school corporation in Indiana which has such  
 34 classification.

35 (b) If a child is:

36 (1) placed by a court order in an out-of-state institution or other  
 37 facility; and

38 (2) provided all educational programs and services by a public  
 39 school corporation in the state where the child is placed, whether  
 40 at the facility, the public school, or another location;

41 ~~the county office~~ **division** of family and children ~~for the county placing~~  
 42 ~~the child~~ shall pay ~~from the county family and children's fund~~ to the

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1 public school corporation in which the child is enrolled the amount of  
2 transfer tuition specified in subsection (c).

3 (c) The transfer tuition for which ~~a county office~~ **the division of**  
4 **family and children** is obligated under subsection (b) is equal to the  
5 following:

6 (1) The amount under a written agreement among the ~~county~~  
7 ~~office, division of family and children,~~ the institution or other  
8 facility, and the governing body of the public school corporation  
9 in the other state that specifies the amount and method of  
10 computing transfer tuition.

11 (2) The full tuition fee charged by the transferee corporation, if  
12 subdivision (1) does not apply. However, the amount of the full  
13 tuition fee must not exceed the amount charged by the transferor  
14 corporation for the same class of school, or if the school has no  
15 such classification, the amount must not exceed the amount  
16 charged by the geographically nearest school corporation in  
17 Indiana which has such classification.

18 (d) If a child is:

19 (1) placed by a court order in an out-of-state institution or other  
20 facility; and

21 (2) provided:

22 (A) onsite educational programs and services either through  
23 the facility's employees or by contract with another person or  
24 organization that is not a public school corporation; or

25 (B) educational programs and services by a nonpublic school;  
26 ~~the county office~~ **division of family and children** ~~for the county placing~~  
27 ~~the child shall pay from the county family and children's fund in an~~  
28 ~~amount and~~ in the manner specified in a written agreement between the  
29 ~~county office~~ **division** and the institution or other facility.

30 (e) ~~An agreement described in subsection (c) or (d) is subject to the~~  
31 ~~approval of the director of the division of family and children.~~  
32 ~~However,~~ For purposes of IC 4-13-2, ~~the an~~ **an agreement described in**  
33 **subsection (c) or (d)** shall not be treated as a contract.

34 SECTION 29. IC 20-8.1-6.1-8 IS AMENDED TO READ AS  
35 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) As used in  
36 this section, the following terms have the following meanings:

37 (1) "Class of school" refers to a classification of each school or  
38 program in the transferee corporation by the grades or special  
39 programs taught at the school. Generally, these classifications are  
40 denominated as kindergarten, elementary school, middle school  
41 or junior high school, high school, and special schools or classes,  
42 such as schools or classes for special education, vocational



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- 1 training, or career education.
- 2 (2) "ADM" means the following:
- 3 (A) For purposes of allocating to a transfer student state
- 4 distributions under IC 21-1-30 (primetime), "ADM" as
- 5 computed under IC 21-1-30-2.
- 6 (B) For all other purposes, "ADM" as set forth in
- 7 IC 21-3-1.6-1.1.
- 8 (3) "Pupil enrollment" means the following:
- 9 (A) The total number of students in kindergarten through
- 10 grade 12 who are enrolled in a transferee school corporation
- 11 on a date determined by the Indiana state board of education.
- 12 (B) The total number of students enrolled in a class of school
- 13 in a transferee school corporation on a date determined by the
- 14 Indiana state board of education.
- 15 However, a kindergarten student shall be counted under clauses
- 16 (A) and (B) as one-half (1/2) a student.
- 17 (4) "Special equipment" means equipment that during a school
- 18 year:
- 19 (A) is used only when a child with disabilities is attending
- 20 school;
- 21 (B) is not used to transport a child to or from a place where the
- 22 child is attending school;
- 23 (C) is necessary for the education of each child with
- 24 disabilities that uses the equipment, as determined under the
- 25 individualized instruction program for the child; and
- 26 (D) is not used for or by any child who is not a child with
- 27 disabilities.
- 28 The Indiana state board of education may select a different date for
- 29 counts under subdivision (3). However, the same date shall be used for
- 30 all school corporations making a count for the same class of school.
- 31 (b) Each transferee corporation is entitled to receive for each school
- 32 year on account of each transferred student, except a student
- 33 transferred under section 3 of this chapter, transfer tuition from the
- 34 transferor corporation or the state as provided in this chapter. Transfer
- 35 tuition equals the amount determined under STEP THREE of the
- 36 following formula:
- 37 STEP ONE: Allocate to each transfer student the capital
- 38 expenditures for any special equipment used by the transfer
- 39 student and a proportionate share of the operating costs incurred
- 40 by the transferee school for the class of school where the transfer
- 41 student is enrolled.
- 42 STEP TWO: If the transferee school included the transfer student

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1 in the transferee school's ADM for a school year, allocate to the  
 2 transfer student a proportionate share of the following general  
 3 fund revenues of the transferee school for, except as provided in  
 4 clause (C), the calendar year in which the school year ends:

5 (A) The following state distributions that are computed in any  
 6 part using ADM or other pupil count in which the student is  
 7 included:

8 (i) Primetime grant under IC 21-1-30.

9 (ii) Tuition support for basic programs and at-risk weights  
 10 under IC 21-3-1.7-8 (before January 1, 1996) and only for  
 11 basic programs (after December 31, 1995).

12 (iii) Enrollment growth grant under IC 21-3-1.7-9.5.

13 (iv) At-risk grant under IC 21-3-1.7-9.7.

14 (v) Academic honors diploma award under IC 21-3-1.7-9.8.

15 (vi) Vocational education grant under IC 21-3-1.8-3.

16 (vii) Special education grant under ~~IC 21-3-1.8~~  
 17 **IC 21-3-1.8-2** (repealed January 1, 1996) or IC 21-3-10.

18 (viii) The portion of the ADA flat grant that is available for  
 19 the payment of general operating expenses under  
 20 IC 21-3-4.5-2(b)(1).

21 (B) For school years beginning after June 30, 1997, property  
 22 tax levies.

23 (C) For school years beginning after June 30, 1997, excise tax  
 24 revenue (as defined in IC 21-3-1.7-2) received for deposit in  
 25 the calendar year in which the school year begins.

26 (D) For school years beginning after June 30, 1997, allocations  
 27 to the transferee school under IC 6-3.5.

28 **STEP THREE:** Determine the greater of:

29 (A) zero (0); or

30 (B) the result of subtracting the **STEP TWO** amount from the  
 31 **STEP ONE** amount.

32 If a child is placed in an institution or facility in Indiana under a court  
 33 order, the institution or facility shall charge the ~~county office of the~~  
 34 ~~county of the student's legal settlement under IC 12-19-7~~ **division of**  
 35 **family and children** for the use of the space within the institution or  
 36 facility (commonly called capital costs) that is used to provide  
 37 educational services to the child based upon a prorated per student cost.

38 (c) Operating costs shall be determined for each class of school  
 39 where a transfer student is enrolled. The operating cost for each class  
 40 of school is based on the total expenditures of the transferee  
 41 corporation for the class of school from its general fund expenditures  
 42 as specified in the classified budget forms prescribed by the state board



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- 1 of accounts. This calculation excludes:
- 2 (1) capital outlay;
- 3 (2) debt service;
- 4 (3) costs of transportation;
- 5 (4) salaries of board members;
- 6 (5) contracted service for legal expenses; and
- 7 (6) any expenditure which is made out of the general fund from
- 8 extracurricular account receipts;
- 9 for the school year.
- 10 (d) The capital cost of special equipment for a school year is equal
- 11 to:
- 12 (1) the cost of the special equipment; divided by
- 13 (2) the product of:
- 14 (A) the useful life of the special equipment, as determined
- 15 under the rules adopted by the Indiana state board of
- 16 education; multiplied by
- 17 (B) the number of students using the special equipment during
- 18 at least part of the school year.
- 19 (e) When an item of expense or cost described in subsection (c)
- 20 cannot be allocated to a class of school, it shall be prorated to all
- 21 classes of schools on the basis of the pupil enrollment of each class in
- 22 the transferee corporation compared to the total pupil enrollment in the
- 23 school corporation.
- 24 (f) Operating costs shall be allocated to a transfer student for each
- 25 school year by dividing:
- 26 (1) the transferee school corporation's operating costs for the class
- 27 of school in which the transfer student is enrolled; by
- 28 (2) the pupil enrollment of the class of school in which the
- 29 transfer student is enrolled.
- 30 When a transferred student is enrolled in a transferee corporation for
- 31 less than the full school year of pupil attendance, the transfer tuition
- 32 shall be calculated by the portion of the school year for which the
- 33 transferred student is enrolled. A school year of pupil attendance
- 34 consists of the number of days school is in session for pupil attendance.
- 35 A student, regardless of the student's attendance, is enrolled in a
- 36 transferee school unless the student is no longer entitled to be
- 37 transferred because of a change of residence, **because** the student has
- 38 been excluded or expelled from school for the balance of the school
- 39 year or for an indefinite period, or **because** the student has been
- 40 confirmed to have withdrawn from school. The transferor and the
- 41 transferee corporation may enter into written agreements concerning
- 42 the amount of transfer tuition due in any school year. Where an

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1 agreement cannot be reached, the amount shall be determined by the  
 2 Indiana state board of education and costs may be established, when in  
 3 dispute, by the state board of accounts.

4 (g) A transferee school shall allocate revenues described in  
 5 subsection (b) STEP TWO to a transfer student by dividing:

6 (1) the total amount of revenues received; by

7 (2) the ADM of the transferee school for the school year that ends  
 8 in the calendar year in which the revenues are received.

9 However, for state distributions under IC 21-1-30, IC 21-3-10, or any  
 10 other statute that computes the amount of a state distribution using less  
 11 than the total ADM of the transferee school, the transferee school shall  
 12 allocate the revenues to the transfer student by dividing the revenues  
 13 that the transferee school is eligible to receive in a calendar year by the  
 14 pupil count used to compute the state distribution.

15 (h) In lieu of the payments provided in subsection (b), the transferor  
 16 corporation or state owing transfer tuition may enter into a long term  
 17 contract with the transferee corporation governing the transfer of  
 18 students. This contract is for a maximum period of five (5) years with  
 19 an option to renew and may specify a maximum number of pupils to be  
 20 transferred and fix a method for determining the amount of transfer  
 21 tuition and the time of payment, which may be different from that  
 22 provided in section 9 of this chapter.

23 (i) If the school corporation can meet the requirements of  
 24 IC 21-1-30-5, it may negotiate transfer tuition agreements with a  
 25 neighboring school corporation that can accommodate additional  
 26 students. Agreements under this section may be for one (1) year or  
 27 longer and may fix a method for determining the amount of transfer  
 28 tuition or time of payment that is different from the method, amount,  
 29 or time of payment that is provided in this section or section 9 of this  
 30 chapter. A school corporation may not transfer a student under this  
 31 section without the prior approval of the child's parent or guardian.

32 (j) If a school corporation experiences a net financial impact with  
 33 regard to transfer tuition that is negative for a particular school year as  
 34 described in IC 6-1.1-19-5.1, the school corporation may appeal for an  
 35 excessive levy as provided under IC 6-1.1-19-5.1.

36 SECTION 30. IC 20-8.1-6.1-12 IS AMENDED TO READ AS  
 37 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 12. (a) Annually  
 38 before the date specified in the rules adopted by the Indiana state board  
 39 of education, each school corporation shall report the information  
 40 specified in subsection (b) for each student:

41 (1) for whom tuition support is paid by another school  
 42 corporation;



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- 1 (2) for whom tuition support is paid by the state; and  
 2 (3) who is enrolled in the school corporation but has the  
 3 equivalent of a legal settlement in another state or country;  
 4 to the county office (as defined in IC 12-7-2-45) for the county in  
 5 which the principal office of the school corporation is located and to  
 6 the department of education.
- 7 (b) Each school corporation shall provide the following information  
 8 for each school year beginning with the school year beginning July 1,  
 9 1994, for each category of student described in subsection (a):
- 10 (1) The amount of tuition support and other support received for  
 11 the students described in subsection (a).  
 12 (2) The operating expenses, as determined under section 8 of this  
 13 chapter, incurred for the students described in subsection (a).  
 14 (3) Special equipment expenditures that are directly related to  
 15 educating students described in subsection (a).  
 16 (4) The number of transfer students described in subsection (a).  
 17 (5) Any other information required under the rules adopted by the  
 18 Indiana state board of education after consultation with the office  
 19 of the secretary of family and social services.
- 20 (c) The information required under this section shall be reported in  
 21 the format and on the forms specified by the Indiana state board of  
 22 education.
- 23 (d) Not later than November 30 of each year beginning after  
 24 December 31, 1994, the department of education shall compile the  
 25 information required from school corporations under this section and  
 26 submit the compiled information in the form specified by the office of  
 27 the secretary of family and social services to the office of the secretary  
 28 of family and social services.
- 29 (e) Not later than November 30 of each year beginning after  
 30 December 31, 1994, each county office shall submit the following  
 31 information to the office of the secretary of family and social services  
 32 for each child who is described in ~~IC 12-19-7-1(1)~~ **IC 12-19-1-21(a)(1)**  
 33 and is placed in another state or is a student in a school outside the  
 34 school corporation where the child has legal settlement:
- 35 (1) The name of the child.  
 36 (2) The name of the school corporation where the child has legal  
 37 settlement.  
 38 (3) The last known address of the custodial parent or guardian of  
 39 the child.  
 40 (4) Any other information required by the office of the secretary  
 41 of family and social services.
- 42 (f) Not later than December 31 of each year beginning after

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1 December 31, 1994, the office of the secretary of family and social  
 2 services shall submit a report to the members of the budget committee  
 3 and the executive director of the legislative services agency that  
 4 compiles and analyzes the information required from school  
 5 corporations under this section. The report shall identify the types of  
 6 state and local funding changes that are needed to provide adequate  
 7 state and local money to educate transfer students.

8 SECTION 31. IC 31-19-26-1 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. (a) When a  
 10 petition for adoption is filed seeking a subsidy and the payment of a  
 11 subsidy is ordered by the court, the order must contain the following  
 12 information:

- 13 (1) Whether a subsidy will be paid under section 2 or 3 of this  
 14 chapter, or both.
- 15 (2) The amount of each subsidy to be paid.
- 16 (3) If a subsidy will be paid under section 3 of this chapter, the  
 17 condition or cause covered by the subsidy.
- 18 (4) Any condition for the continued payment of a subsidy other  
 19 than a requirement set forth in this chapter.

20 (b) The ~~county office division~~ of family and children ~~of the county~~  
 21 ~~responsible for foster care of an adoptive child~~ may be ordered to pay  
 22 either or both of the subsidies under this chapter to the adoptive parents  
 23 or designated payees to the extent that money is available.

24 SECTION 32. IC 31-34-24-8 IS AMENDED TO READ AS  
 25 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. In preparing  
 26 the plan, the team shall review and consider existing publicly and  
 27 privately funded programs that are available or that could be made  
 28 available in the county to provide supportive services to or for the  
 29 benefit of children described in section 3 of this chapter without  
 30 removing the child from the family home, including programs funded  
 31 through the following:

- 32 (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- 33 (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- 34 (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- 35 (4) The Child Abuse Prevention and Treatment Act (42 U.S.C.  
 36 5106 et seq.).
- 37 (5) Community corrections programs under IC 11-12.
- 38 (6) Special education programs under IC 20-1-6-19.
- 39 (7) All programs designed to prevent child abuse, neglect, or  
 40 delinquency, or to enhance child welfare and family preservation  
 41 administered by, or through funding provided by, the division of  
 42 family and children, county offices, prosecutors, or juvenile



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1 courts, including programs funded under IC 12-19-5 ~~IC 12-19-7~~,  
2 and IC 31-40.

3 SECTION 33. IC 31-40-1-1 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. This article  
5 applies to a financial burden sustained by **the state and** a county as the  
6 result of costs paid ~~by the county~~ under section 2 of this chapter,  
7 including costs resulting from the institutional placement of a child  
8 adjudicated a delinquent child or a child in need of services.

9 SECTION 34. IC 31-40-1-2 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. (a) ~~The county~~  
11 **state** shall pay the cost of:

12 (1) any services ordered by the juvenile court for any child or the  
13 child's parent, guardian, or custodian; and

14 (2) returning a child under IC 31-37-23;

15 **except for probation, guardian ad litem, and court appointed**  
16 **special advocate services. The county shall pay the cost of**  
17 **probation, guardian ad litem, and court appointed special advocate**  
18 **services.**

19 (b) ~~The state and the~~ county fiscal body shall provide sufficient  
20 money to meet the court's requirements.

21 (c) The child's parent or the guardian of the estate of a child shall  
22 reimburse the **state and** county for the costs paid under subsection (a)  
23 (or IC 31-6-4-18(b) before its repeal) as provided under this article.

24 (d) After receiving a petition for reimbursement from **the state or**  
25 a county that has paid for services under subsection (a) (or  
26 IC 31-6-4-18(b) before its repeal), the court shall hold a hearing to  
27 determine whether to order reimbursement by the child's parents or the  
28 guardian of the child's estate to the **state or** county, **or both**, as  
29 described under this article.

30 SECTION 35. IC 31-40-1-4 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The parent or  
32 guardian of the estate of any child returned to Indiana under the  
33 interstate compact on juveniles under IC 31-37-23 shall reimburse the  
34 **state and** county for all costs involved in returning the child that the  
35 court orders the parent or guardian to pay under section 3 of this  
36 chapter (or IC 31-6-4-18(e) before its repeal) whether or not the child  
37 has been adjudicated a delinquent child or a child in need of services.

38 SECTION 36. IC 31-40-1-5 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. (a) Whenever  
40 the court orders institutional placement of a child:

41 (1) the court shall refer to the child support guidelines adopted by  
42 the Indiana supreme court to determine the financial contribution

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1 required from each parent of the child or the guardian of the  
2 child's estate;

3 (2) the court shall order support paid by each of the child's parents  
4 or the guardian of the child's estate, except as provided under  
5 section 3 of this chapter; and

6 (3) if an existing support order is in effect, the court shall order  
7 support payments to be assigned to the county office of family and  
8 children for the duration of the institutional placement.

9 (b) When implementing this section, the ~~county office~~ **division** of  
10 family and children shall:

11 (1) comply with 45 CFR 302.52 and 45 CFR 303.2; and

12 (2) remit all other support payments to the ~~county state~~ general  
13 fund.

14 (c) A support order entered under subsection (a) (or IC 31-6-4-18(f)  
15 before its repeal) shall be paid through the clerk of the circuit court as  
16 trustee for remittance to the ~~county~~ **state**.

17 (d) The ~~county office~~ **division** of family and children shall monitor  
18 the enforcement of support orders under subsection (a).

19 (e) The ~~county prosecuting~~ attorney for the ~~office of family and~~  
20 ~~children county~~ shall seek enforcement of the support orders.

21 SECTION 37. IC 31-40-4-1 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 1. If the parent or  
23 guardian of the estate:

24 (1) defaults in reimbursing the **division of family and children**  
25 **or the county**; or

26 (2) fails to pay a fee authorized by this article;

27 the juvenile court may find the parent or guardian in contempt and  
28 enter judgment for the amount due.

29 SECTION 38. THE FOLLOWING ARE REPEALED [EFFECTIVE  
30 JANUARY 1, 2000]: IC 6-1.1-18.6-1.1; IC 6-1.1-18.6-3; IC 12-19-7.

31 SECTION 39. [EFFECTIVE JULY 1, 1999] (a) **For purposes of**  
32 **determining the state welfare allocation of miscellaneous revenue**  
33 **for 2000, the allocation for the previous year is the amount of**  
34 **miscellaneous revenue allocated to the county welfare fund, the**  
35 **county family and children fund, and the county welfare**  
36 **administration fund for 1999 plus an adjustment to reflect the**  
37 **percentage change in the amount to be distributed in 2000 for each**  
38 **type of miscellaneous revenue.**

39 (b) **This SECTION expires July 1, 2001.**

40 SECTION 40. [EFFECTIVE JANUARY 1, 2000] (a) **This act**  
41 **applies to property taxes first due and payable after December 31,**  
42 **1999.**



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1           **(b) Except as provided in subsection (c), property taxes may not**  
2           **be imposed under IC 12-9-7, as repealed by this act, after July 1,**  
3           **1999.**

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